Case 16-31404-KCF Doc 57 Filed 06/17/17 Entered 06/18/17 00:32:45 Desc Imaged Certificate of Notice Page 1 of 4

784552

PHELAN HALLINAN DIAMOND & JONES, PC

400 Fellowship Road, Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Attorneys for Secured Creditor: WELLS FARGO

BANK, NA.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No: 16-31404 - KCF

Order Filed on June 14, 2017

by Clerk **U.S. Bankruptcy Court** 

District of New Jersey

Hearing Date: 05/10/2017

Judge: Kathryn C. Ferguson

**SAM BHATIA** 

### ORDER RESOLVING OBJECTION TO CONFIRMATION

The order set forth on the following pages, numbered two (2) through three (3) is hereby ORDERED.

**DATED: June 14, 2017** 

Honorable Kathryn C. Ferguson United States Bankruptcy Judge

NJID 784552

PHELAN HALLINAN DIAMOND & JONES, PC 400 Fellowship Road, Suite 100 Mt. Laurel, NJ 08054 856-813-5500 Attorneys for WELLS FARGO BANK, NA.

### UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

IN RE:

SAM BHATIA CASE NO. 16-31404 - KCF

CHAPTER 13

**Debtors** 

ORDER RESOLVING

**OBJECTION TO CONFIRMATION** 

HEARING DATE: 05/10/2017

This Order pertains to the property located at 849 New Dover Road, Edison, NJ 08820, mortgage account ending with "1224";

**THIS MATTER** having been brought before the Court by John J Scura, III, Esquire attorney for debtor, SAM BHATIA upon the filing of a Chapter 13 Plan, WELLS FARGO BANK, NA. (hereafter Wells Fargo) by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 13 Plan and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for other and good cause shown:

IT IS on the day of , 2017, ORDERED as follows:

- 1. Wells Fargo has filed a valid, secured Proof of Claim in the amount of \$72,318.23 (claim no. 5).
- 2. The Trustee is authorized not to pay the secured arrearage claim of Wells Fargo in the amount of \$72,318.23 (claim no. 5), so debtor can apply and potentially complete a loan modification. Should the debtor qualify for a loan modification, the loan modification must be approved no later than **June 13, 2017**. Debtor shall continue making adequate protection payments while seeking loan modification and in loss mitigation program.
- 3. If Loan Modification is approved, Wells Fargo shall file an Amended Proof of Claim showing the amount of arrears paid to date by the Trustee.
- 4. If a loan modification is not approved by **June 13, 2017**, the debtors shall do one of the following: 1) file a Modified Plan to cure the arrearage claim of Movant; or 2) file a Modified Plan to surrender the property subject to said claim; or 3) a Notice to Convert to Chapter 7; or 4) a Notice to Dismiss Case.

# Case 16-31404-KCF Doc 57 Filed 06/17/17 Entered 06/18/17 00:32:45 Desc Imaged Certificate of Notice Page 3 of 4

- 5. Debtor acknowledges that the monthly post-petition mortgage payment amount is subject to change in accordance with the terms of the note and mortgage. Debtor shall continue making adequate protection payments while seeking loan modification and in loss mitigation program.
  - 6. This Order shall be incorporated in and become a part of any Order Confirming Plan.

## Case 16-31404-KCF Doc 57 Filed 06/17/17 Entered 06/18/17 00:32:45 Desc Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court District of New Jersey

In re: Sam A Bhatia Debtor Case No. 16-31404-KCF Chapter 13

#### **CERTIFICATE OF NOTICE**

District/off: 0312-3 User: admin Page 1 of 1 Date Rcvd: Jun 15, 2017

Form ID: pdf903 Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 17, 2017.

db +Sam A Bhatia, 849 New Dover Road, Edison, NJ 08820-1806

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 17, 2017 Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 15, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Christopher J. Balala on behalf of Debtor Sam A Bhatia cbalala@scuramealey.com, ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;ascolavino@scuramealey.com

David L. Stevens on behalf of Debtor Sam A Bhatia dstevens@scuramealey.com,

cbalala@scuramealey.com;ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;ascolavino@scuramealey.com

Denise E. Carlon on behalf of Creditor VW Credit Inc. dba Audi Financial Services dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

John J. Scura, III on behalf of Debtor Sam A Bhatia jscura@scuramealey.com,

cbalala@scuramealey.com;ecfbkfilings@scuramealey.com;ascolavino@scuramealey.com;dsklar@scuramealey.com

Michael Frederick Dingerdissen on behalf of Creditor Wells Fargo Bank, NA. nj.bkecf@fedphe.com Nicholas V. Rogers on behalf of Creditor Wells Fargo Bank, NA. nj.bkecf@fedphe.com

TOTAL: 8